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Agreements with Sioux Indians

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AGREEMENTS WITH SIOUX INDIANS.

MARCH 18, 1884.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. NELSON, from the Committee on Indian Affairs, submitted the following

R E P O R T :

[To accompany bill H. R. 5282.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5282) entitled "A bill to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Dakota Central Railway Company through the Sioux Reservation in Dakota," having had the same under consideration, beg leave to report :

That this bill has been prepared by the Department of the Interior, and is for the purpose of ratifying and confirming three several agreements between said Indians and said railway company made in June and December, 1880, and approved by the Secretary of the Interior, to grant the right of way, station ground, and terminal facilities to the railway company on said reservation.

The agreements provide for a right of way 200 feet in width, for depot and station grounds of 160 acres each, and for a terminal station on the Missouri of 640 acres.

The right of way is to be paid for at the rate of \$110 per mile, the station grounds at the rate of \$4 per acre, and the terminal point on the Missouri River at the rate of \$5 per acre.

To those prices are the following exceptions: The right of way for a wagon-road and right of way east of the Missouri River are to be paid for at the rate of \$5 per acre, and payments are to be made in all cases before possession can be taken by the railway company.

The money is to be deposited with the Secretary of the Interior for the benefit of the Indians, and \$3,575 have already been deposited for the terminal point and for the right of way east of the Missouri River.

For fuller and more specific information the following communications are appended and made a part hereof:

[House Ex. Doc. No. 11, Forty-eighth Congress, first session.]

To the Senate and House of Representatives :

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, submitting, with accompanying papers, draft of a bill "to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Dakota Central Railway Company through the Sioux Reservation in Dakota."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, December 10, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, December 3, 1883.

SIR: I have the honor to submit herewith for your consideration a communication of 26th November, 1883, from the Commissioner of Indian Affairs and accompanying draft of bill therein noted for the ratification of three several agreements with the Sioux Indians in Dakota, granting to the Dakota Central Railway Company the right of way across their lands and the right of occupancy of certain land for railway purposes as therein set forth, namely:

One agreement made June 12, 1880, and approved by Mr. Secretary Schurz; and the other two agreements made December 28 and 31, respectively, and approved by Mr. Secretary Kirkwood.

These agreements have not, however, been ratified by Congress. As such action is considered necessary I therefore respectfully recommend that the matter may be presented for the favorable consideration of that body.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 26, 1883.

SIR: Referring to Department letter of March 9, 1882, wherein, in reply to the question submitted in office letter of March 1, 1882, viz, whether or not the Dakota Central Railway Company and the Chicago, Milwaukee and Saint Paul Railway Company, which had severally acquired a right of way through the Sioux Indian Reservation in Dakota, were to be considered as having done so under the stipulations of the third article of the agreement with the Sioux Indians of September 26, 1876, ratified by act of Congress approved February 28, 1877 (19 Stat., 255). In reference to the construction of roads through said reservation, it was held that when the three wagon roads indicated in General Orders No. 3, headquarters Military Division of the Missouri, April 5, 1877, were located, the rights under said agreement were exhausted, and that agreements of later date made with the railroad companies should be presented for ratification by Congress; also to Department letter to this office of 10th March last, to the effect that "in all cases where right of way for railroads through Indian reservations is not provided for by treaties or agreements by the United States with the Indians, Congressional action is necessary to ratify the agreements by railway companies with the Indians for such right of way, &c.," and directing that the necessary papers be prepared for submitting the agreements as made by the said railway companies with the Sioux Indians to Congress at its next session for action. I have the honor to report, so far as the Dakota Central Railway Company is concerned, as follows: The agreements entered into by this company with the Sioux Indians, under the direction and with the approval of the Department, are three in number, viz:

No. 1.

Agreement, dated June 12, 1880, made between the Sioux Indians resident upon the reservation in the Territory of Dakota, represented by their chiefs and headmen, and acting under the supervision and with the approval of the Secretary of the Interior of the United States, and the Dakota Central Railway Company, a body corporate of said Territory of Dakota, grants to said company the right to occupy one section of land on the western bank of the Missouri River at or near Fort Pierre, in said Territory, for a freight depot and for the residence of its employes necessarily engaged in the operation of its road and in forwarding freight transported by said company to the Missouri River, and for no other purposes, and to be occupied under such regulations as the Secretary of the Interior may prescribe for the protection of the Indians. Said section of land to be definitely located by said railway company as soon as the necessary surveys have been made to determine the point at which the road of said company shall strike the Missouri River.

Also the right to construct and operate a wagon road by the nearest and most practicable route from the point where said freight depot may be located to intersect the wagon road running west from Fort Pierre to the Black Hills, said wagon road not to exceed 200 feet in width, and to be used for no other purpose except the passage of freight with teams.

Consideration to be paid by the railway company as follows: (a.) For the use and occupancy of said section the sum of \$3,200. (b.) For the land used as a wagon road at the rate of \$5 per acre. Payment to be made to the Indians in such manner as the Secretary of the Interior may direct.

The grant of the right of way for wagon road, and the use thereof, to cease and determine whenever said railroad company shall construct and complete a railroad from the Missouri River westward across the said reservation in Dakota, or so far as to intersect and connect with the Fort Pierre and Black Hills wagon road, in said Territory, but the use and enjoyment of the section of land thereby granted to continue in the company, subject to the conditions therein mentioned, so long as the same shall continue to be embraced within the bounds of the Indian reservation.

No. 2.

Agreement, dated December 23, 1880, made between the chiefs, headmen, and heads of families of a majority of the Upper and Lower Yanktonais, Uncapapas, and Blackfeet Sioux Indians (Standing Rock Agency), Two Kettle, Sans Arc, Minneconjou, and Blackfeet Sioux Indians (Cheyenne River Agency), Lower Yanktonais Indians (Crow Creek Agency), Lower Brulé Sioux Indians (Lower Brulé Agency), Ogalalla Sioux Indians (Pine Ridge Agency), Brulé, Loafer, Wahzabzah, Minneconjou, and Mixed Sioux Indians (Rosebud Agency), severally occupying the Sioux Indian Reservation in the Territory of Dakota, parties of the first part, and the Dakota Central Railway Company, party of the second part, grants to said railway company—

A right of way not exceeding 200 feet in width extending over and across the Sioux Indian Reservation, commencing at a point on the west bank of the Missouri River, at or near the mouth of Bad River, running in a westerly direction on the line surveyed and located by the said Dakota Central Railway Company from West Pierre up Bad River to North Fork, up North Fork to Lead Gap Creek, down ——— Gap Creek to Cheyenne River, up Cheyenne River Valley to North Fork Cheyenne, up said Fork to western boundary of the reservation, with the right to construct, operate, and maintain a line of railway thereon.

Also the right to occupy and hold along the line of said railway exclusively for railway purposes, not exceeding 160 acres of land at any one point.

Consideration to be paid by said railway company, as follows: (a.) For right of way at the rate of \$110 per mile, one-half to be paid prior to the commencement of the construction of the road and the residue when the work of construction beyond 100 miles distant from the Missouri River shall commence. (b.) For the use and occupancy of station grounds, the sum of \$4 per acre. Payment to be made at such places, at such times, and in such manner as the Secretary of the Interior may direct.

Also the right to open and use in connection with said railway a wagon road upon the line of said railway, as located by said company, with the privilege of connecting the same with the Black Hills, or with any wagon road intersecting or near the line of said railway over and across the reservation.

The above-mentioned agreement is signed by the chiefs, headmen, and heads of a majority of families of the Upper and Lower Yanktonais, Uncapapas, and Blackfeet Sioux Indians (Standing Rock Agency), Brulé, Loafer, Wahzabzah, Minneconjou, and Mixed Sioux Indians (Rosebud Agency), and Ogalalla Sioux (Pine Ridge Agency).

No. 3.

Agreement, dated December 31, 1880, between the same parties and substantially to same effect as agreement No. 2, except that it provides that for all lands taken east of the river the price to be paid shall be \$5 per acre, signed by the chiefs, headmen, and heads of a majority of families of the Brulé Sioux (Lower Brulé Agency), and the Lower Yanktonais Sioux (Crow Creek Agency).

Said three agreements were severally accepted by the Dakota Central Railway Company, and were approved by the Department on June 12, 1880, and July 7, 1881.

On the last mentioned date a map of preliminary survey of the line of road through the reservation, also bond of the company in \$25,000, conditioned upon the faithful performance of the several agreements hereinbefore mentioned, was accepted and approved by the Department, and on the 18th July, 1881, a map of definite location of the section of land on the west bank of the Missouri River, selected by the railway company under the agreement of June 12, 1880, was also approved.

Under said agreements the Dakota Central Railway Company has made the following payments to the Department for the use of the Sioux Indians, viz:

July 12, 1881, for section (640 acres) west of Missouri River at \$5 per acre..	\$3,200 00
October 11, 1881, for 75 acres taken for right of way on Old Winnebago Sioux Reserve, east of the Missouri, according to map of definite location filed and approved, at \$5 per acre.....	375 00

Total.....	3,575 00
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Which amount has been deposited in the Treasury pending Congressional action on said agreements. In accordance with the instructions contained in Department letter

of the 10th March last, I now have the honor to submit the draft of a bill to accept and ratify said several agreements, as made, for transmission to Congress for its consideration and action.

Full copies of the several agreements are set out in the bill.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

THE SECRETARY OF THE INTERIOR.

The agreements seem just and reasonable, have been freely and fully assented to by the Indians, and duly approved by their next friend, the Interior Department. It is further to be observed that this Indian reservation is unceded Indian Territory, and that the agreements simply confer the Indian right of occupancy, and that the free title in the lands covered by the agreements still remains in the United States to be afterwards disposed of as the Government may see fit.

Your committee recommend the passage of the bill.

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